

### **REMARKS**

Claims 1-20 are pending in the application, and stand rejected in Paper No. 9, the Office Action under reply. Claims 1-20 stand rejected under the judicially-created doctrine of double patenting as claiming common subject matter as Claims 1-22 of U.S. Patent No. 6,423,831. Claims 1-20 also stand rejected under the judicially-created doctrine of double patenting as claiming common subject matter as Claims 1-23 of U.S. Patent No. 6,184,360. Claims 1-20 further stand rejected under the judicially-created doctrine of double patenting as claiming common subject matter as Claims 1-25 of U.S. Patent No. 6,005,081.

The present application Serial No. 10/072,681 and U.S. Patent Nos. 6,423,831, 6,184,360, 6,005,081 are commonly owned, all being assigned to Genentech, Inc.

Accompanying this response is a Terminal Disclaimer in compliance with 37 C.F.R. §1.321(c) disclaiming any patent term in a patent issuing from the present application Serial No. 10/072,681 that would extend beyond the full term, including extensions and patent term adjustments, of U.S. Patent Nos. 6,423,831, 6,184,360, and 6,005,081.

Accordingly, Applicants respectfully submit that the rejections to Claims 1-20 under the judicially-created doctrine of double patenting over Claims 1-22 of U.S. Patent No. 6,423,831; and over Claims 1-23 of U.S. Patent No. 6,184,360; and over Claims 1-25 of U.S. Patent No. 6,005,081 are overcome.

### **CONCLUSION**

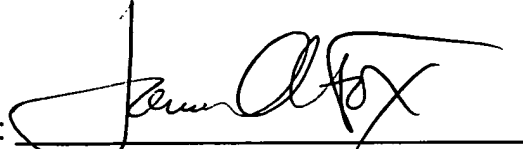
For the reasons set forth above, Applicants believe that all claims are in condition for allowance. The Examiner is respectfully requested to reconsider the rejections of Claims 1-20. Should the Examiner believe that a telephone interview would expedite the prosecution of this application, Applicants invite the Examiner to call the undersigned attorney at the telephone number indicated below.

Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 08-1641 referencing Attorney's Docket No. 39766-0037 C3.

Respectfully submitted,

Dated: October 16, 2003

By:

  
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